

Appl. No. 09/677,700  
Reply dated April 20, 2004  
Reply to Office Action mailed March 3, 2004

#### REMARKS

The present application and its claims are directed to a system and method for energy use curtailment. Claims 1-15 were originally presented, Claims 1 and 12 have been amended, Claim 3 has been cancelled and Claim 16 has been added so that Claims 1-2 and 4-16 are currently pending.

#### DRAWINGS

The Examiner has objected to the drawings originally filed with the application as being informal. As a courtesy to the Examiner, Applicant is filing via facsimile with this response, a copy of the formal drawings for the Examiner's review. A clean copy of the formal drawings are being submitted by regular mail on the same date as this response is being submitted via facsimile.

#### PRIOR ART REJECTIONS

In response to the Examiner's rejection of Claims 1-15 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,178,362 to Woolard et al. (hereinafter "Woolard"), Applicant respectfully traverses the rejection. In particular, Woolard does not anticipate Claims 1-15 for the reasons set forth below and early allowance of the claims is respectfully requested.

#### Claims 1-2 and 4-5

Claim 1 is not anticipated by Woolard for at least the reason that Woolard does not disclose a thermostat wherein the thermostat is remotely controlled in accordance with a particular energy curtailment management operation by a software application residing on a server as set forth in the claim. Woolard is an energy management system that gathers energy data from various sources and permits the user to analyze that energy data. Therefore, Claim 1 is not anticipated by Woolard.

Furthermore, Claims 2 and 4-5 are allowable over Woolard for at least the same reasons as Claim 1. In addition, Claim 4 is further allowable over Woolard as Woolard does not disclose a signal is transmitted by the server to the thermostat device to alter an offset temperature setting of the thermostat device as set forth in this claim. Thus, Claims 2 and 4-5 are allowable.

#### Claim 6

Claim 6 is not anticipated by Woolard for at least the reason that Woolard does not disclose or suggest the combination of modules set forth in Claim 6. To support the rejection of the recited combination of modules, the Examiner simply asserts that the facility manager 44 (shown in Figure 2 in Woolard) teaches the claimed combination of modules without specifically

Page 5 of 7

Gray Cary/EMV7163054.1  
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PAGE 7/23 \* RCVD AT 4/20/2004 7:12:46 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-1/1 \* DNS:8729306 \* CSID:650 833 2001 \* DURATION (mm:ss):06:00

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Appl. No. 09/677,700  
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setting forth where each module (or the combination of modules) is described in Woolard. In fact, the Examiner cannot specifically point to those portions of Woolard as they do not exist. For example, nothing in Woolard describes or suggests "a curtailment event override module for overriding an active curtailment event" that is recited in Claim 6. Therefore, Claim 6 is allowable over Woolard.

Claims 7 - 11

Claim 7 is allowable over Woolard as Woolard does not describe the combination of modules set forth in Claim 7. As with Claim 6 above, the Examiner merely points to the facility manager 44 to support his rejection. However, Woolard does not describe or suggest the combination of the curtailment manager module, the curtailment summary module, the curtailment history module, the user status module and the user history module. Therefore, Claim 7 is allowable over Woolard.

Claims 8- 11 are allowable for at least the same reasons as Claim 7. Furthermore, these claim recite further features of the various modules set forth in Claim 7 that are not disclosed by Woolard.

Claims 12 - 14

Claim 12 is allowable over Woolard for at least the same reasons as Claim 6 above since this claim recites at least the same combination of modules as recited in Claim 6. Claims 13 and 14 are allowable for at least the same reasons as Claim 12.

Claims 15-16

Claim 15 is allowable over Woolard for at least the reason that Claim 15 recites "altering temperature setpoint information for the energy management system to remotely program the operating conditions for the energy management system" which is not disclosed in Woolard. Furthermore, Woolard does not disclose "transmitting the altered temperature setpoint information to the energy management system for operating the energy management system" as set forth in the claim. In addition, Woolard does not disclose this combination of steps and therefore Claim 15 is allowable over Woolard. Claim 16 is allowable for at least the same reasons as Claim 15.

Page 6 of 7

Gray Cary/ASM7163054.1  
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PAGE 8/23 \* RCVD AT 4/20/2004 7:12:06 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-4/1 \* DNS:3729306 \* CSID:650 833 2001 \* DURATION (mm-ss):06-00

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Appl. No. 09/677,700  
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**CONCLUSION**

In view of the above, it is respectfully submitted that Claims 1, 2, and 4 - 16 are allowable over the prior art cited by the Examiner and early allowance of these claims and the application is respectfully requested.

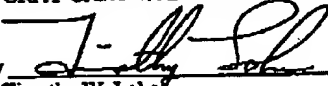
The Examiner is invited to call Applicant's attorney at the number below in order to speed the prosecution of this application.

The Commissioner is authorized to charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 07-1896.

Respectfully submitted,

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Dated: April 20, 2004

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Gray Cary\EMV7163054.1  
1050412-991160

Page 7 of 7

Gray Cary\EMV7163054.1  
1050412-991160

PAGE 9/23 \* RCVD AT 4/20/2004 7:12:00 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-1/1 \* DHS:8728306 \* CSID:650 833 2001 \* DURATION (mm:ss):06:00

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